

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KAREN MULDROW,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	NO. 07-5177
v.	:	
	:	
COUNTRYWIDE HOME LOANS, INC.,	:	
et al.,	:	
	:	
Defendants.	:	

MEMORANDUM AND ORDER

BUCKWALTER, S. J.

January 16, 2008

The plaintiff has filed a motion to proceed *in forma pauperis* which will be denied. Since filing the motion and as revealed in her affidavit, plaintiff has secured a job which pays her a monthly gross of \$2,150 plus commissions on memberships at the rate of \$60 per person. No one is dependent upon her for support and she owns both a house and a 2006 Toyota Corolla, both of which are encumbered but in which the plaintiff's equity in either one is not apparent from the affidavit. She is also a full-time student with tuition of approximately \$5000 per semester.

The money available to her, if allocated differently, would surely enable her to pay the fee for filing this suit which, in the end, is one for damages, among other forms of relief that could be granted if successful.

While she claims that all her income goes for basic needs, my addition shows the amount of her basic needs is \$1,769.55, which includes the mortgage payment of \$1,082.55, the subject of the lawsuit.

It is a privilege and a right to proceed without payment of fees. In my view, allowing plaintiff to exercise that privilege in this case would be an abuse of the discretion given to the court in the first instance, to determine whether the privilege should be extended.

Simply stated, plaintiff can afford to pay the filing fee in this case.

Accordingly, the following order is entered:

AND NOW, this 16th day of January, 2008, it is hereby **ORDERED** that the motion to proceed *in formal pauperis* is **DENIED**.

BY THE COURT:

s/ Ronald L. Buckwalter, S. J.
RONALD L. BUCKWALTER, S.J.